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RHMCSUU/FBI WASHINGTON DC PRIORITY
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C O N F I D E N T I A L SAN SALVADOR 002872

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E.O. 12958: DECL: 11/30/2016
TAGS: [SNAR](#) [EFIN](#) [PGOV](#) [KCOR](#) [ES](#)
SUBJECT: EL SALVADOR: LEGISLATIVE ASSEMBLY REMOVES IMMUNITY
OF CONGRESSMAN ON MONEY LAUNDERING CHARGES

REF: A. SAN SALVADOR 2238
[1](#)B. SAN SALVADOR 2371

Classified By: Charge Michael A. Butler. Reasons 1.4 (b) and (d)

[1](#)1. (C) On November 29, the Salvadoran Legislative Assembly voted 82-0 to remove the immunity of Alternate Deputy Roberto Silva Pereira (National Conciliation Party - PCN) to allow for his prosecution on money laundering and bribery charges. The removal of Silva's immunity came two days after a Special Assembly Commission, composed of ten deputies from the five political parties represented in the Assembly, unanimously recommended that removal of Silva's immunity be brought to a floor vote before a special session of the Assembly. The work of the Commission concluded just within the 60 day limit for consideration (ref. B). The only deputy absent from the vote was Elizardo Gonzalez Lovo (PCN), to whom Silva serves as alternate. A separate Special Commission is reviewing the case of Mario Osorto (ARENA party), current deputy to the Central American Parliament (PARLACEN) and former mayor of the eastern city of La Union. Osorto, who was closely tied to some of Silva's business deals, is expected to lose his immunity and be prosecuted as well.

[1](#)2. (C) The vote by the Assembly allows for the judicial proceedings against Silva to continue. Silva's next step will be to face trial before a San Salvador First Instance criminal court. Attorney General (Fiscal) Garrid Saffie (strictly protect) told Polcouns late November 29 that his office would not move to arrest Silva at the Assembly following the plenary vote, as many had speculated. Instead, Saffie said he would avoid creating a circus-like atmosphere and would, instead, wait until the First Instance judge charged with the case received notification from the National Assembly that Silva's immunity has been removed. Saffie predicted Silva's arraignment would take place on/around December 1. Asked whether he had a strong case against Silva, Saffie affirmed he has a very solid case, but feared that Silva may have already tried to bribe several judges. Polcouns reminded Saffie that a lot of people will be following the Silva and Osorto cases to see if El Salvador is serious about attacking political corruption. Saffie agreed and said he would put all his resources behind the prosecution.

[1](#)3. (C) COMMENT: The Legislative Assembly's move to strip the privileges of one of their own is a historic step in that no National Assembly members in recent history have had their immunity removed, even in the most serious cases of criminal misconduct. In this instance, the National Assembly decided to send a strong message against impunity and corruption despite the fact that evidence uncovered in the Silva trial will likely lead to future prosecutions of ARENA, FMLN, and PCN present and former mayors. For its part, Post did not

pass opportunities to remind "friendly" diputados of the significance of this case. The real test for the Salvadoran judicial system will be whether Silva, who is considered guilty beyond a reasonable doubt by all Embassy interlocutors, is convicted or walks.
Butler